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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,563	02/15/2002	Rhonda Brent	21-0781	1391

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EXAMINER	
LE, NHAN T	

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,563	BRENT, RHONDA	
	Examiner	Art Unit	
	Nhan T Le	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/15/2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12* is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☒ Claim(s) *10 and 11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi (US 6,725,020) in view of Garfinkel (US 6,157,298) and in further view of Truesdale (US 6,115,846).

As to claim 1, Yagi teaches a motorcycle helmet, the motorcycle helmet comprising a helmet being adapted for protecting a head of a user from impact, the helmet having a perimeter wall defining an interior space, the perimeter wall having a lower peripheral lip defining a lower opening such that the lower opening is adapted for permitting the head of the user to be inserted into the interior space of the helmet, the perimeter wall having a forward peripheral lip defining a front opening such that the front opening is adapted for permitting the user to see when the head of the user is positioned in the interior space (see fig. 1, number 12, col. 3, lines 45-55); However, Yagi fails to teach a playing assembly being positioned in the perimeter wall of the helmet. Garfinkel teaches a playing assembly being positioned in the perimeter wall of the helmet (see fig. 1, col. 2, lines 5-31, col. 4, line54- col. 5, line 28), inherently teaches a speaker positioned in the perimeter wall of the helmet, the speaker being operationally coupled to the playing assembly, the speaker being adapted for audibly playing the

audio information read by the playing assembly (see col. 10, lines 10-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Garfinkel into the device of Yagi in order to provide the entertainment system for the motorcycle driver. The combination of Yagi and Garfinkel fails to teach the playing assembly being apted for reading audio information from a compact disc. Truesdale teaches a helmet contains a compact disc player being apted for reading audio information from the compact disc (see fig. 1, lines col. 2, lines 32-42, col. 3, lines 1-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Truesdale into the device of Yagi and Garfinkel in order to provide different entertainment system for the motorcycle driver. The combination of Yagi, Garfinkel, and Truesdale fails to teach a plurality of speakers being positioned in perimeter wall of the helmet and being coupled to the playing assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace a speaker with plurality of speakers into the system of Yagi, Garfinkel and Truesdale in order to provide better sound system for the motorcycle driver.

As to claim 2, the combination of Yagi, Garfinkel and Truesdale also teaches the helmet having a visor portion, the visor portion being positioned in the front opening of the helmet, the visor portion being adapted for deflecting wind around the helmet and out of the eyes of the user (see Yagi fig. 1, number 12, col. 3, lines 46-55).

As to claim 3, the combination of Yagi, Garfinkel and Truesdale teaches a plurality of switches being operationally coupled to the playing assembly, the switches

being positioned in the perimeter wall of the helmet (see Garfinkel fig. 3, numbers 25, 26, col. 5, lines 22-28). These switches perform like buttons for channel and volume selection. The combination of Yagi, Garfinkel and Truesdale fails to teach a plurality of buttons being positioned proximately front opening of the helmet such that the buttons are adapted for being easily accessible by the user, each of the buttons being for controlling a function of the playing assembly when the buttons are actuated by the user. It would have been obvious to one of ordinary skill in the art to replace the switches with buttons and place the plurality of buttons anywhere on the perimeter of the helmet so that the helmet users can access the plurality button easily.

As to claims 4-9, the combination of Yagi, Garfinkel and Truesdale teaches the motorcycle helmet for paying an audio compact disc. However, the combination of Yagi, Garfinkel and Truesdale fails to teach the buttons comprising a play button, the play button being for actuating the playing assembly such that the playing assembly reads audio information from the compact disk received by the playing assembly; a stop button, the stop button being for actuating the playing assembly such that the playing assembly discontinues reading of audio information from the compact disc when the user has previously actuated the play button; a pause button being for actuating the playing assembly such that the playing assembly pauses reading of audio information from the compact disc when the pause button is actuated once by the user, the playing assembly being adapted for resuming reading of audio information from the compact disc when, the pause button is actuated a second time by the user; a search button, the search button being for actuating the playing assembly such that the playing assembly

fast forwards through the audio information from the compact disc when the user has previously actuated the play button; a skip button, the skip button being for actuating the playing assembly such that the playing assembly skips to the audio information of the next song on the compact disc when the user has previously actuated the play button; a volume button, the volume button being for actuating the playing assembly for controlling the volume of the speakers. It would have been obvious to one of ordinary skill in the art to provide these features into the system of Yagi, Garfinkel and Truesdale in order to operate the playing assembly.

Allowable Subject Matter

Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 10, the applied reference fails to teach the helmet having a lid member, the lid member being pivotally coupled to the perimeter wall of the helmet, the lid member being positioned adjacent the playing assembly, the lid member being pivotable between an open position and a closed position, the lid member being adapted for permitting the compact disc to be operationally coupled to the playing assembly when the lid member is in the open position, the lid member being adapted for covering the compact disc when the lid member is the closed position as cited in the claim.

Claim 12 is allowed.

As to claim 12, Yagi (US 6,725,020) teaches helmet with incorporated communication system, Garfinkel et al (US 6,157,298) teaches safety helmet with directional, and break signals having am/fm and two-way communication capability, Truesdale (US 6,115,846) teaches headgear combined with a fan, electronic communication device and binoculars, Lal (US 6,732,381) teaches sports helmets. The teaching of these prior arts either combine or alone fails to teach the helmet having a lid member, the lid member being pivotally coupled to the perimeter wall of the helmet, the lid member being positioned adjacent the playing assembly, the lid member being pivotable between an open position and a closed position, the lid member being adapted for permitting the compact disc to be operationally coupled to the playing assembly when the lid member is in the open position, the lid member being adapted for covering the compact disc when the lid member is the closed position, a lid button being operationally coupled to the lid member, the lid button being positioned in the perimeter wall of the helmet proximate the front opening of the helmet such that the lid button is adapted for being easily accessible by the user, the lid button being for permitting the lid member to be pivoted between the open position and the closed position when the lid button is actuated by the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/14/04

Nhan Le

QUOCHIEN B. VUONG
PRIMARY EXAMINER